1	SEYFARTH SHAW LLP Brandon R. McKelvey (SBN 217002)	
2	bmckelvey@seyfarth.com Timothy B. Nelson (SBN 235279)	
3	tnelson@seyfarth.com 400 Capitol Mall, Suite 2350	
4	Sacramento, California 95814-4428 Telephone: (916) 448-0159	
5	Facsimile: (916) 558-4839	
6	SEYFARTH SHAW LLP Thomas J. Piskorski (admitted <i>pro hac vice</i> )	
7	tpiskorski@seyfarth.com 131 South Dearborn Street	
8	Suite 2400 Chicago, IL 60603	
9	Telephone: (312) 460-5000 Facsimile: (312) 460-7000	
10	Attorneys for Defendant	
11	COMTRAK LOGISTICS, INC.	
12	MARLIN & SALTZMAN, LLP Christina A. Humphrey (SBN 226326)	
13	chumphrey@marlinsaltzman.com 29229 Canwood Street, Suite 208	
14	Agoura Hills, California 91301 Telephone: (818) 991-8080	
15	Facsimile: (818) 991-8081	
16	Attorneys for Plaintiff SALVADOR ROBLES	
17		DIGEDICE COLUDE
18	UNITED STATES DISTRICT COURT	
19	EASTERN DISTRICT OF CALIFORNIA	
20	SALVADOR ROBLES, individually and on behalf of others similarly situated,	Case No. 2:13-CV-00161-JAM-AC
21	Plaintiffs,	CLASS ACTION
22	V.	STIPULATION AND ORDER RE: DISCOVERY DEADLINES
23	COMTRAK LOGISTICS, INC., a Delaware	
24	corporation; and DOES 1 through 10, inclusive,	
25	Defendants.	
26		
27		
28	STIPULATION AND [PROPOSED] OF	RDER RE: DISCOVERY DEADLINES
		Case No. 2:13-CV-00161-JAM-AC

Case No. 2:13-CV-00161-JAM-AC

15736849v.1

## **STIPULATION**

WHEREAS, pursuant to the April 23, 2013, Stipulation and Order, entered by this Court as docket number 23, the deadline for Defendant to file a Motion to Dismiss Plaintiff's First Amended Complaint was June 3, 2013;

WHEREAS, Defendant filed its Motion to Dismiss Plaintiff's First Amended Complaint on June 3, 2013, with a noticed hearing date of July 24, 2013;

WHEREAS, Plaintiff served written discovery, including special interrogatories and requests for production of documents, to Defendant by United States mail on May 2, 2013;

WHEREAS, in order to preserve the parties' and the Court's resources until this Court hears Defendant's Motion to Dismiss Plaintiff's First Amended Complaint, the parties have agreed to a temporary stay on discovery and have reached the following agreement, each subpart below being material and necessary to the entire agreement;

THEREFORE, the parties, through their respective counsel of record, agree to stipulate that:

- (a) The parties agree that they will not serve or propound any additional discovery until, at the earliest, the day after the Court issues its Order on Defendant's Motion to Dismiss Plaintiff's First Amended Complaint;
- (b) All existing discovery is stayed and the discovery deadlines on the existing discovery are extended to thirty (30) days after the date that this Court issues its Order regarding Defendant's Motion to Dismiss Plaintiff's First Amended Complaint;
- (c) Defendant agrees that it will produce the name, last known address, phone number, and dates of affiliation with Defendant of all owner-operators that fall within Plaintiff's proposed class definition (as stated in the First Amended Complaint) within thirty (30) days after the date that this Court issues its Order regarding Defendant's Motion to Dismiss Plaintiff's First Amended Complaint, assuming the Court's order does not dismiss the class claims; and
- (d) The parties agree that Defendant's production of the contact information for the group of owner-operators alleged in the proposed class definition in Plaintiff's First Amended

Complaint, does not constitute a concession or admission that class certification is appropriate or		
that further class discovery is appropriate. Defendant reserves the right to object to further pre-		
class certification discovery and to oppose class certification notwithstanding this stipulation.		
IT IS SO STIPULATED.		
Dated: July 8, 2013 SEYFARTH SHAW LLP		
By: /s/ Timothy B. Nelson Thomas J. Piskorski		
Brandon R. McKelvey Timothy B. Nelson Attorneys for Defendant		
Attorneys for Defendant COMTRAK LOGISTICS, INC.		
Dated: July 8, 2013 MARLIN & SALTZMAN, LLP		
By: /s/ Christina A. Humphrey		
Christina A. Humphrey Attorneys for Plaintiff SALVADOR ROBLES		
SALVADOR ROBLES		
ORDER  Pursuant to the stipulation of the parties and good cause appearing therefore, IT IS SO ORDERED.		
		DATED: July 8, 2013
		/s/ John A. Mendez
		John A. Mendez UNITED STATES DISTRICT COURT
2		
STIPULATION AND [PROPOSED] ORDER RE: DISCOVERY DEADLINES  Case No. 2:13-CV-00161-1AM-AC		

Case No. 2:13-CV-00161-JAM-AC